

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM HAMILTON,

No. C 12-2496 SI

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

v.

PATELCO CREDIT UNION,

Defendant.

On January 3, 2012, *pro se* plaintiff filed a complaint in the United States District Court for the District of South Carolina against defendant Patelco Credit Union (“Patelco”) related to an allegedly erroneous credit report. Dkt. 1. Along with the complaint, plaintiff filed an application to proceed *in forma pauperis* (“IFP”). Plaintiff’s IFP application stated that he was incarcerated at Edgefield Federal Prison Camp. *See* Dkt. 2 at 2. On February 8, 2012, Magistrate Judge Hodges granted plaintiff’s application to proceed IFP. *See* Dkt. 15 (*citing* 28 U.S.C. § 1915(b)(1)). The complaint was then served on defendant Patelco. Dkt. 17.

On February 27, 2012, Patelco filed a motion to dismiss. Dkt. 24. In response, plaintiff filed a motion to transfer venue to this Court, and listed his Federal Prison Camp address in South Carolina as his return address. *See* Dkt. 29 at 2. Patelco consented to the transfer, and the case was transferred to this Court on May 16, 2012. *See* Dkt. 38. The case was assigned to Magistrate Judge LaPorte. On June 1, 2012, Patelco filed another motion to dismiss. Dkt. 45. Plaintiff did not file a consent to proceed before a Magistrate Judge, and the case was reassigned to this Court. *See* Dkt. 52.

Patelco’s counsel then sent a letter to the Court, requesting approval to re-notice the motion to dismiss, and stating that plaintiff had been released from prison. *See* Dkt. 53. Counsel also represented

1 that plaintiff had informed counsel of a new address in South Carolina, but had not received any
2 communication from him since his release. *Id.* Patelco then re-noticed an Amended Motion to Dismiss
3 on July 26, 2012. Dkt. 55. It was served by mail to both plaintiff's Federal Prison Camp address as well
4 as a residential address in Aiken, South Carolina. Dkt. 56.

5 Plaintiff's opposition to the motion to dismiss was due by August 10, 2012. No opposition has
6 been received, nor has the Court heard from plaintiff in any other way. The last correspondence sent
7 from the Court to plaintiff's federal prison camp address – the Clerk's Notice setting forth the schedule
8 on the latest motion to dismiss – was returned as undeliverable. Dkt. 59. Plaintiff has provided no other
9 address to this Court. The Court hereby **ORDERS plaintiff TO SHOW CAUSE in writing no later**
10 **than September 7, 2012** why this case should not be dismissed for failure to prosecute. *See* Fed. R.
11 Civ. P. 41(b). Plaintiff also must provide the Court with a current, valid address. If plaintiff does not
12 respond, this case will be dismissed without prejudice.

13 The August 31, 2012 hearing on Patelco's motion to dismiss is hereby VACATED. The Clerk
14 shall serve this Order on the Aiken, South Carolina address provided by Patelco:

15 William R. Hamilton
16 310 Beaver Creek Lane
Aiken, SC 29803

17 **IT IS SO ORDERED.**

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19 Dated: August 27, 2012

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21 SUSAN ILLSTON
22 United States District Judge
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